

FORTIETH DAY

(Tuesday, March 25, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Isbell Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Isbell was granted leave of absence for today on account of important business, on motion of Senator Van Zandt.

Tribute to Memory of Claude B. Hudspeth by Senator Winfield

On motion of Senator Hill and by unanimous consent, the following address by Senator Winfield in memory of the late Claude B. Hudspeth was ordered printed in the Journal:

Mr. President:

I rise at this time to speak in memory of a former member of this body, one whose service within it was outstanding, and whom death has recently taken.

On March 19th, at San Antonio, Texas, the spirit of Claude B. Hudspeth passed from this earth.

For twelve years Claude Hudspeth represented the 29th Senatorial District of Texas, which I now have the honor to serve. He was four times chosen unanimously as President Pro Tempore of the Texas Senate. For four years he had previously served in the Lower House. And at a later period he served twelve years in the National Congress as Representative of the 16th District of Texas.

His was a striking and a brilliant figure. He had been cowboy, range-rider, peace-officer, country editor, and Justice of the Peace. Ever his stature grew and he reached his true proportions in public life. He left the mark of his character, his vision and his greatness indelibly upon his state and the Southwest.

Claude Hudspeth was the true liberal. He loved liberty for its own sake. In this room his voice has rung like bell-strokes in behalf of justice and right. Labor found him its ardent defender. The oppressed learned to know him as their champion.

For—

"He was of that brotherhood that binds the brave of all the earth."

He came of rugged Texas stock. In his veins flowed the blood of trail-makers, pioneers and nation-builders. He was of the stuff of which the Alamo defenders were made. Out in the ranges they knew him as "Old Claude" and the tribute that title connotes was one he appreciated most.

The cowboys and the ranchers, the farmers and the stockmen—those who have been the bone and sinew of West Texas development—knew that the word of "Old Claude" was always good, the integrity of "Old Claude" was above reproach.

Mr. President, however greatly customs may change, honor and courage will never go out of fashion. And Claude Hudspeth stood for these throughout a long and useful career. In public and private life he had the strength of his convictions. He was deaf to the voice of expediency and the whisperings of compromise.

Today we mourn the passing of our friend and our former leader—

"O, broken is the golden bowl,
The spirit flown forever;
Let the bell toll, a noble soul
Floats on the eternal river."

Mr. President, in years gone by when the handsome and virile Senator Hudspeth rose to speak in this chamber, the Texas Senate listened with rapt attention and usually followed. Today I ask that its members listen, with a tribute in each one's heart, while I quote in memory of Claude Hudspeth these lines:

"How sleep the brave, who sink to rest,
By all their country's wishes blest."

Messages from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following messages:

Hall of the House of Representatives,
Austin, Texas,
March 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 78, Authorizing the State Highway Department of Texas to lend to the citizens of Olney and New Castle discarded wire mesh guard fence for the purpose of fencing the grounds of the True Cemetery in the Community of True.

H. C. R. No. 79, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 230.

H. S. R. No. 160, Requesting the return of H. B. No. 143 for the purpose of correcting and amending said bill.

H. S. R. No. 166, Requesting the return of H. B. No. 654 for the purpose of correcting and amending said bill.

The House has failed to pass:

H. B. No. 119, A bill to be entitled "An Act creating a commission to be known the Oil and Gas Commission of Texas; providing for the appointment of the members of such Commission by the Governor; fixing the terms of the members of such Commission; providing for the organization and chairman of such Commission; providing for the qualifications of the members of such Commission; providing that each member of such Commission shall give his full and undivided attention to the duties

of his office; providing that the term of any member of such Commission shall immediately cease and determine if he accepts or holds any other public office or public employment, or if he becomes a candidate for election or nomination to any public office; providing that any member of such Commission shall be ineligible to election to public office at certain times under certain conditions; providing that a majority of the members of such Commission shall have authority to act; providing for the domicile of the principal office of such Commission, the appointment of a secretary of such Commission, and the duties of such secretary; providing for authority to certify copies of certain instruments and providing for receiving same in evidence in all courts of this State; providing for the payment of salaries to the members of such Commission; etc.; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Reports of Standing Committees

Senator Hill submitted the following report:

Austin, Texas,
March 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Elections to whom was referred

H. B. No. 183, A bill to be entitled "An Act to provide for and regulate the holding of runoff elections in cities and towns having a population in excess of two hundred thousand (200,000) inhabitants, according to the last preceding or any future Federal Census; providing that cities not using voting machines may adopt the preferential type ballot in lieu of the procedure set forth in this Act; repealing all laws, parts of laws, charter provisions and ordinances in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed.

HILL, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,
March 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 163, A bill to be entitled "An Act providing for and regulating appropriations from moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation and improvement of the Public Junior College of Texas as named in this Act; providing for an annual appropriation of Three Hundred Twenty-five Thousand (\$325,000.00) Dollars for each of the fiscal years beginning September 1, 1941, and September 1, 1942, respectively, and for the allocation thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
March 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 270, A bill to be entitled "An Act appropriating the sum of One Hundred Thousand (\$100,000.00) Dollars, or as much thereof as may be necessary for a period not to exceed two (2) years, to the State Department of Health for laboratory supplies and services, and for improving sanitary and health conditions and enforcing health rules and regulations in areas adjacent to army camps, naval bases, flying fields, munition factories, airplane factories, and other defense areas in Texas; give technical assistance to armed forces in Texas; authorizing the State Health of etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the following amendments, and that the bill as amended do pass and be printed.

AIKIN, Chairman.

Senator Sulak submitted the following report:

Austin, Texas,
March 25, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was re-referred

S. B. No. 182, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a Division of Cosmetology of the State Health Department for the licensing of persons to carry on and to teach such practices and to insure a better training and education of such practitioners and instructors; to provide for sanitary rules to prevent the spread of infectious and contagious diseases; to provide for health examinations; to provide penalties for the violation thereof; providing for the levy and collection of taxes and charges thereunder and to make an appropriation; providing a saving clause; repealing all laws in conflict herewith; declaring an emergency, and providing that this Act shall repeal and supersede H. B. No. 189 of the Regular Session of the Forty-fourth Legislature, and H. B. No. 127 of the Second Called Session of the Forty-fourth Legislature of the State of Texas."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that the original bill do not pass, but that committee substitute attached hereto do pass and be printed.

SULAK, Chairman.

Senator Cotten submitted the following report:

Committee Room,
Austin, Texas,
March 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Offices, to whom was referred

S. B. No. 238, A bill to be entitled "An Act providing for the leasing of all islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, all beds of rivers and channels belonging to the State, and all unsold public free school land, both surveyed and

unsurveyed, by the Commissioner of the General Land Office; providing that the price at which such land may be leased shall be determined by the School Land Board; defining the terms of the lease; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

Senator Shivers submitted the following reports:

Committee Room,
Austin, Texas,
March 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

S. B. No. 33, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the Forty-fourth Legislature, Regular Session, providing for the use of sweet and other natural gas under certain conditions for the manufacture of carbon black; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu of the original bill, and that the committee substitute be printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas,
March 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

S. B. No. 8, A bill to be entitled "An Act providing for the proration by the Railroad Commission of Texas of wet gas and/or wet gas and distillate wells in the same manner as is now provided for oil wells, provided that nothing in this Act shall apply to dry gas wells and providing that all laws and parts of laws in conflict with this Act and particularly any portion of Article 6008 of Ver-

non's Annotated Civil Statutes of Texas that may be in conflict with this Act are hereby repealed; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu of the original bill, and that the committee substitute be printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas,
March 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

S. B. No. 325, A bill to be entitled "An Act amending Section 17a of Chapter 280, Acts of the Regular Session of the Forty-first Legislature, amending Chapter 25, Acts of the Regular Session of the Thirty-ninth Legislature; providing that water control and improvement districts may purchase, own and operate fire engines and all necessary fire-fighting equipment and appliances; validating all purchases of fire engines, equipment and appliances heretofore made by water control and improvement districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments Nos. 1 and 2 hereto attached and be printed as amended.

SHIVERS, Chairman.

Committee Room,
Austin, Texas,
March 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

H. B. No. 405, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session, Forty-third Legislature, by adding a new Section to be known as Section 3a, to provide that Directors of the Authority who shall be appointed subsequent to the effective date of this

Act shall be residents of and freehold property taxpayers of the counties comprising the district known as the Lower Colorado River Authority, as named in Section 1 of said Act, or shall have been residents of and freehold property taxpayers in any county in which said Authority may contract to furnish or is now furnishing hydroelectric power, and who shall have been such residents of and freehold property taxpayers in one of said counties for not less than five (5) years next preceding the appointment of any of such directors; providing that not more than one of such directors shall be residents of the same county, and all such directors shall be appointed with the advice and consent of the Senate; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments hereto attached and be printed as amended.

SHIVERS, Chairman.

House Concurrent Resolution 79

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 79, Authorizing correction in enrolled copy of H. B. No. 230.

The resolution was read and by unanimous consent, it was considered at this time and was adopted.

House Concurrent Resolution 78

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 78, Authorizing the Highway Department to lend guard wire to enclose certain cemeteries in Young County.

The resolution was read.

By unanimous consent, the Senate agreed to consider the resolution at this time.

Senator Van Zandt offered the following amendment to the resolution:

Amend H. C. R. No. 78 by adding thereto a second resolving clause to read as follows:

"And be it further resolved by the House of Representatives, the Senate of Texas concurring, That the State Highway Department of Texas be

authorized to lend to all interested citizens of Texas upon such terms and conditions as may be agreeable to said Department such discarded guard wire which may be used for the purpose of enclosing recognized cemeteries and graveyards."

The amendment was adopted.

The resolution as amended was adopted.

Committee Substitute Senate Bill 43 on Second Reading

Senator Metcalfe moved that the regular order of business be suspended, to permit consideration of C. S. S. B. No. 43 at this time.

Pending consideration of the motion Senator Aikin occupied the Chair temporarily.

(President in the Chair.)

The motion prevailed by the following vote:

Yeas—23

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Vick
Kelley	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Nays—6

Cotten	Shivers
Hill	Sulak
Lemens	Van Zandt

Absent—Excused

Isbell	Spears
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The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 43, A bill to be entitled "An Act to amend Section 1, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session as amended by Section 1, Chapter 23, Acts 1939, Forty-first Legislature, Fifth Called Session, defining 'Commercial Motor Vehicle'; Section 6, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of Commercial Motor Vehicles; Section 7, Chapter 88, Acts 1929,

Forty-first Legislature, Second Called Session, prescribing license fees for the registration of road tractors; Section 8, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of trailers or semi-trailers; Section 8A, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prescribing license fees for the registration of motor busses; Section 8B, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, prohibiting registration of commercial motor vehicles size of which are illegal with certain exceptions; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend C. S. S. B. No. 43, page 1, by striking out all of lines 44, 45, 46 and 47, and substitute in lieu thereof the following:

" 1- 6,000	\$0.40	\$0.50
6,001- 8,000 .....	.50	.60
8,001-10,000 .....	.60	.70
10,001-20,000 .....	.70	.90
20,001-and up .....	.80	1.00"

Question—Shall the amendment be adopted?

(President Pro Tempore Cotten in the Chair.)

Senator Weinert submitted the following proposed amendment to the bill for publication in today's Journal:

Amend C. S. S. B. No. 43 by adding thereto a new Section to be properly numbered and reading as follows:

"This Act shall in no wise repeal, alter or amend Acts 1934, Forty-third Legislature, Third Called Session, page 75, Chapter 36, Section 1."

WEINERT,
MARTIN,
MOFFETT.

Senator Chadick submitted the following proposed amendment to the bill for publication in today's Journal:

Amend C. S. S. B. No. 43 by adding a new Section to be known as Section 7a, to read as follows:

"7a. All commercial vehicles shall carry a certificate of a permanent nature permanently affixed to the in-

side of the cab of such vehicle which legibly states the maximum weight in pounds, for which such vehicle is registered to carry.

The owner, operator, or other person operating such vehicle shall failure to so affix such certificate shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed Two Hundred (\$200.00) Dollars. Such certificate shall be admissible in evidence in any cause in which the weight of such vehicle is an issue and shall be prima facie evidence of the weight for which such truck is registered."

Senator Hill submitted the following proposed amendment to the bill for publication in today's Journal:

Amend S. B. No. 43, Section 2, lines 44 to 47 on page 1, inclusive, so that the same shall hereafter read as follows:

" 1- 8,000	\$0.40	\$0.50
8,001-12,000 .....	.60	.70
12,001-16,000 .....	.80	.90
16,001-20,000	1.00	1.10
20,001-and up	1.20	1.30"

HILL,
SULAK.

Senator Van Zandt submitted the following proposed amendment to the bill for publication in today's Journal:

Amend S. B. No. 43 by striking out lines 44 to 47, inclusive, on page 1, and substituting in lieu thereof the following:

" 1- 4,000	\$0.30	\$0.40
4,001- 8,000 .....	.40	.50
8,001-12,000 .....	.50	.60
12,001-16,000 .....	.60	.70
16,001-20,000 .....	.70	.80
20,001-24,000 .....	.80	.90
24,001-28,000 .....	.90	1.00
28,001-32,000	1.00	1.10
32,001-36,000	1.10	1.20
36,001-and up	1.20	1.40"

VAN ZANDT.

Adjournment

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.